

Panaji, 26th April, 1984 (Vaisaka 6, 1906)

SERIES I No. 4

# OFFICIAL GAZETTE



## GOVERNMENT OF GOA, DAMAN AND DIU

### GOVERNMENT OF GOA, DAMAN AND DIU

Department of Personnel and Administrative Reforms

#### Notification

5/3/74-PER (Part)

In exercise of the powers conferred by sub-section (2) of section 9, sub-section (2) of section 12 and section 24 of the Central Civil Services (Classification, Central and Appeal) Rules, 1965, read with item (iii) of Serial No. 4 of Part III and item (iii) of Serial No. 1 of Part IV of the Schedule thereto the Administrator of Goa, Daman and Diu hereby specifies, in relation to the posts mentioned in column 2 of the Schedule appended hereto, the following appointing authority, the disciplinary authority, the penalties which the said disciplinary authority may impose and the appellate authority in the corresponding entries in columns 3, 4, 5 and 6 respectively of the said schedule.

#### SCHEDULE

Sr. No.	Description of post	Appointing Authority	Authority competent to impose penalties and which it may impose (with reference to item numbers in Rule 11)		Appellate Authority
			Authority	Penalties	
1	2	3	4	5	6
1.	All Group 'C' & Group 'D' posts in the office of the Chief Fire Officer	Chief Fire Officer	Chief Fire Officer	All	Secretary (Health)

By order and in the name of the Administrator of Goa, Daman and Diu.

N. P. Gaunekar, Under Secretary (Personnel).

Panaji, 2nd April, 1984.

Local Administration and Welfare Department

#### Notification

1-1-82-HB

The following draft amendment which is proposed to be made to the Government of Goa, Daman and Diu

Housing Board Rules, 1968 is hereby published as required under sub-section (1) of section 128 of the Goa, Daman and Diu Housing Board Act, 1968 (12 of 1968), for information of the persons likely to be affected thereby and notice is hereby given that the said draft amendment will be taken into consideration by the Government on the expiry of fifteen days from the date of publication of this Notification in the Official Gazette.

All objections and suggestions to the draft amendment may be forwarded to the Under Secretary to the Government of Goa, Daman and Diu, Local Administration and Welfare Department, Secretariat Panaji before the expiry of fifteen days from the date of publication of this Notification in the Official Gazette, so that they may be taken into consideration at the time of finalisation of the draft.

#### DRAFT AMENDMENT

In exercise of the powers conferred by section 128 of the Goa, Daman and Diu Housing Board Act, 1968 (12 of 1968), the Government of Goa, Daman and Diu hereby makes the following rules so as to amend the Goa, Daman and Diu Housing Board Rules, 1969 namely:—

*Short title and commencement.*— (1) These rules may be called the Goa, Daman and Diu Housing Board (First Amendment) Rules, 1984.

(2) *Amendment of rule 3.*— For clause (a) of sub-rule (3) of rule 3 of the Goa, Daman and Diu Housing Board Rules, 1969, the following clause shall be substituted, namely:—

“(a) an allowance of Rs. 50/- for every day of a meeting of the Board that he attends, and”

By order and in the name of the Administrator of Goa, Daman and Diu.

A. V. Pimenta, Under Secretary (LAWD).

Panaji, 7th April, 1984.

Finance Department (Revenue and Control)

#### Notification

2/5/82-Fin(R&amp;C)

Sub:— Amendment to the Rules (enforced under Government Notification No. Fin. (Rev)/2-35/SRV/3/1153/69, dated 31st May, 1969)

regulating the conduct of departmental examination for certain grades in the Department of Excise.

On considering the condition laid down in column 11 of the Schedule appended to the Government of Goa, Daman and Diu Ministerial and Stenographer's Services (excepting Secretariat) Recruitment Rules 1966 notified vide Notification dated 29th April, 1966, the Administrator of Goa, Daman and Diu hereby amends the Rules regulating the conduct of departmental examination for certain grades in the Department of Excise (hereinafter called the Departmental Examination Rules) notified under Notification No. Fin(Rev)/2-35/SRV/3/1153/69 dated 31-5-1969 as follows:—

1. *Amendment of preamble.*—In the preamble to the Departmental Examination Rules:—

(i) The expression "and the Government of Goa, Daman and Diu Ministerial and Stenographer's service (excepting Secretariat) Recruitment Rules 1966, in so far as the post of Head Clerk is concerned" shall be deleted:

(ii) For the expression, "Inspector of Excise and Head Clerk working in the Excise Department of the Government" the expression "and Inspectors of Excise working in the Excise Department of the Government" shall be substituted.

2. *Amendment of rule 1.*—In rule 1, of the Departmental Examination Rules, for the expression, "Inspector of Excise and Head Clerk" the expression "and Inspector of Excise" shall be substituted.

3. *Amendment of rule 2.*—In rule 2, of the Departmental Examination Rules, for the expression, "and by the Commissioner of Excise in all other cases" the expression "and by the Commissioner of Excise in case of Inspectors of Excise", shall be substituted.

4. *Amendment of rule 3.*—In rule 3, of the Departmental Examination Rules, in clause (ii) for the expression, "Inspector of Excise and Head Clerk" the expression "and Inspector of Excise", shall be substituted.

5. *Amendment of rule 4.*—In rule 4, of the Departmental Examination Rules, for the expression "Inspectors of Excise and Head Clerk", the expression, "and Inspectors of Excise", shall be substituted.

6. *Amendment of rule 9.*—In rule 9, of the Departmental Examination Rules, for the expression "The Inspectors of Excise and Head Clerk", the expression, "The Inspectors of Excise", shall be substituted.

Subhash V. Elekar, Under Secretary (Finance-Exp).

Panaji, 11th April, 1984.

## Law Department (Legal Advice)

### Drafting Section

#### Notification

LD/1/9/84-(D)

The Lepers (Delhi, Andaman and Nicobar Islands, Lakshadweep, Dadra and Nagar Haveli and Chandigarh Repeal) Act, 1983 (47 of 1983) and the Public Financial Institutions (Obligation as to Fidelity and Secrecy) Act, 1983 (48 of 1983) have been assented to by President of India on 30th December, 1983 and published in the Gazette of India, Extraordinary, Part II, Section I dated 2nd January, 1984 are hereby republished for the general information of the public.

B. S. Subbanna, Under Secretary to the Government of Goa, Daman and Diu.

Panaji, 14th March, 1984.

The Lepers (Delhi, Andaman and Nicobar Islands, Lakshadweep, Dadra and Nagar Haveli and Chandigarh Repeal) Act, 1983

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ACT

to provide for the repeal of the Lepers Act, 1898, as in force in the Union territories of Delhi, Andaman and Nicobar Islands, Lakshadweep, Dadra and Nagar Haveli and Chandigarh.

Be it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

1. **Short title.**—This Act may be called the Lepers (Delhi, Andaman and Nicobar Island, Lakshadweep, Dadra and Nagar Haveli and Chandigarh Repeal) Act, 1983.

2. **Repeal of Act 3 of 1898.**—The Lepers Act, 1898, as in force in the Union territories of Delhi, Andaman and Nicobar Islands, Lakshadweep, Dadra and Nagar Haveli and Chandigarh, is hereby repealed.

The Public Financial Institutions (Obligation as to Fidelity and Secrecy) Act, 1983

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ACT

to provide for the obligation of public financial institutions as to fidelity and secrecy.

Be it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

1. **Short title.**—This Act may be called the Public Financial Institutions (Obligation as to fidelity and Secrecy) Act, 1983.

2. **Definitions.**—(1) In this Act, "public financial institution" means—

(a) the Industrial Credit and Investment Corporation of India Limited, a company formed and registered under the Indian Companies Act, 1913;

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(b) the Industrial Reconstruction Corporation of India Limited, a company formed and registered under the Companies Act, 1956; or

1 of 1956.

(c) any other institution, being a company as defined in section 617 of the Companies Act, 1956 or a company to which the provisions of section 619 of that Act apply, which the Central Government may, having regard to the nature of the business carried on by such institution, by notification in the Official Gazette, specify to be a public financial institution for the purposes of this Act.

1 of 1956.

(2) Every notification issued under clause (c) of sub-section (1) shall, as soon as may be, after it is issued, be laid before each House of Parliament.

**3. Obligation as to fidelity and secrecy.**—(1) A public financial institution shall not, except as otherwise provided in sub-section (2) or in any other law for the time being in force, divulge any information relating to, or to the affairs of, its constituents except in circumstances in which it is, in accordance with the law or practice and usage, customary among bankers, necessary or appropriate for the public financial institution to divulge such information.

(2) A public financial institution may, for the purpose of efficient discharge of its functions, collect from, or furnish to,—

(a) the Central Government; or

(b) the State Bank of India constituted under section 3 of the State Bank of India Act, 1955, any subsidiary bank within the meaning of the State Bank of India (Subsidiary Banks) Act, 1959, any corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 or under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980, any other scheduled bank within the meaning of the Reserve Bank of India Act, 1934; or

23 of 1955.

38 of 1959.

5 of 1970.

40 of 1980.

2 of 1934.

(c) any other public financial institution,

such credit information or other information as it may consider useful for the purpose, in such manner and at such time as it may think fit.

*Explanation.*—For the purposes of this sub-section, the expression “credit information” shall have the same meaning as in clause (c) of section 45A of the Reserve Bank of India Act, 1934 subject to the modification that the banking company referred to therein shall mean a bank referred to in clause (b) of this sub-section or a public financial institution.

2 of 1934.

**4. Declaration of fidelity and secrecy.**—Every director, member of any committee, auditor or officer or any other employee of a public financial institution to which this Act applies, shall,—

(a) before entering upon his duties; or

(b) where he has entered upon his duties as such before the date on which this Act became applicable to such institution, within thirty days from the date on which this Act became applicable to such institution,

make a declaration of fidelity and secrecy in the form set out in the Schedule to this Act.

**5. Amendment of Act 15 of 1948.**—In the Industrial Finance Corporation Act, 1948,—

(a) section 39 shall be re-numbered as sub-section (3) thereof and before sub-section (3) as so renumbered, the following sub-sections shall be inserted, namely:—

“(1) The Corporation shall not, except as otherwise required by this Act or any other law for the time being in force, divulge any information relating to, or to the affairs of, its constituents except in circumstances in which it is, in accordance with the law or practice and usage, customary among bankers, necessary or appropriate for the Corporation to divulge such information.

(2) The Corporation may, for the purpose of efficient discharge of its functions under this Act, collect from, or furnish to—

(a) the Central Government;

(b) the State Bank of India constituted under section 3 of the State Bank of India Act, 1955, any subsidiary bank within the meaning of the State Bank of India (Subsidiary Banks) Act, 1959, any corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 or under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980, any other scheduled bank, any State cooperative bank or the Development Bank,

23 of 1955.

38 of 1959.

5 of 1970.

40 of 1980.

such credit information or other information as it may consider useful for the purpose, in such manner and at such time as it may think fit.

*Explanation.*—For the purposes of this sub-section, the expression “credit information” shall have the same meaning as in clause (c) of section 45A of the Reserve Bank of India Act, 1934 subject to the modification that the banking company referred to therein shall mean a bank referred to in clause (b) of this sub-section.”

2 of 1934.

(b) in the Schedule, for the brackets, words and figures “(See section 39)”, the brackets, words and figures “[See section 39(3)]” shall be substituted.

**6. Amendment of Act 63 of 1951.**—In the State Financial Corporations Act, 1951,—

(a) section 40 shall be re-numbered as sub-section (3) thereof, and before sub-section (3) as so

re-numbered, the following sub-sections shall be inserted, namely:—

(1) The Financial Corporation shall not, except as otherwise required by this Act or any other law for the time being in force, divulge any information relating to, or to the affairs of, its constituents except in circumstances in which it is, in accordance with the law or practice and usage, customary among bankers, necessary or appropriate for the Financial Corporation to divulge such information.

(2) The Financial Corporation may, for the purpose of efficient discharge of its functions under this Act, collect from, or furnish to—

(a) the Central Government;

(b) the State Bank of India constituted under section 3 of the State Bank of India Act, 1955, any subsidiary bank within the meaning of the State Bank of India (Subsidiary Banks) Act, 1959, any corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 or under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980, any other scheduled bank, any State cooperative bank or the Development Bank,

such credit information or other information as it may consider useful for the purpose, in such manner and at such time as it may think fit.

*Explanation.*—For the purposes of this sub-section, the expression "credit information" shall have the same meaning as in clause (c) of section 45A of the Reserve Bank of India Act, 1934 subject to the modification that the banking company referred to therein shall mean a bank referred to in clause (b) of this sub-section.

(b) in the Schedule, for the brackets, words and figures "(See section 40)", the brackets, words and figures "[See section 40(3)]" shall be substituted.

## THE SCHEDULE

(See section 4)

### Declaration of Fidelity and Secrecy

I, ..., do hereby declare that I will faithfully, truly and to the best of my skill and ability, execute and perform the duties required of me as director, member of any Committee, auditor, officer or other employee (as the case may be) of the \* and which properly relate to the office or position held by me in, or in relation to, the

\*

I further declare that I will not communicate or allow to be communicated to any person not legally entitled thereto any information relating to the affairs of the

or to the affairs of any person having any dealing with the ... \*nor will I allow any such person to inspect, or have access to, any books or documents belonging to, or in the possession of, the ... \*and relating to the business of the ... \*or the business of any person having any dealing with the

Signed before me.

Signature.

\*Here insert the name of the public financial institution concerned.

## Notification

LD/1/9/84 - (D)

The Punjab Disturbed Areas Act, 1983 (32 of 1983), the Chandigarh Disturbed Areas Act, 1983 (33 of 1983) and the Armed Forces (Punjab and Chandigarh) Special Powers Act, 1983 (34 of 1983) which have been assented to by President of India on 8th December, 1983 and published in the Gazette of India, Extraordinary, Part II, Section I dated 8th December, 1983 are hereby republished for the general information of the public.

B. S. Subbanna, Under Secretary to the Government of Goa, Daman and Diu.

Panaji, 21st March, 1984.

## The Punjab Disturbed Areas Act, 1983

AN

ACT

to make better provision for the suppression of disorder and for the restoration and maintenance of public order in disturbed areas in Punjab.

Be it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

1. **Short title, extent and commencement.**—(1) This Act may be called the Punjab Disturbed Areas Act, 1983.

(2) It extends to the whole of the State of Punjab.

(3) It shall be deemed to have come into force on the 7th day of October, 1983.

2. **Definition.**—In this Act, "disturbed area" means an area which is for the time being declared by notification under section 3 to be a disturbed area.

3. **Powers to declare areas to be disturbed areas.**—The State Government may, by notification in the Official Gazette, declare that the whole or any part of any district of Punjab as may be specified in the notification, is a disturbed area.

4. **Power to fire upon persons contravening certain orders.**—Any Magistrate or Police Officer not below the rank of Sub-Inspector or Havildar in case of the

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Armed Branch of the Police may, if he is of opinion that it is necessary so to do for the maintenance of public order, after giving such due warning, as he may consider necessary, fire upon, or otherwise use force, even to the causing of death, against any person who is acting in contravention of any law or order for the time being in force in the disturbed area, prohibiting the assembly of five or more persons or the carrying of weapons or of things capable of being used as weapons or of fire-arms, ammunition or explosive substances.

**5. Powers to destroy arms dump, fortified positions, etc.**—Any Magistrate or Police Officer not below the rank of a Sub-Inspector may, if he is of opinion that it is necessary so to do, destroy any arms dump, prepared or fortified position or shelter from which armed attacks are made or are likely to be made or are attempted to be made or any structure used as training camp for armed volunteers or utilized as a hideout by armed gangs or absconders wanted for any offence.

**6. Protection of persons acting under sections 4 and 5.**—No suit, prosecution or other legal proceedings shall be instituted except with the previous sanction of the State Government against any person in respect of anything done or purporting to be done in exercise of the powers conferred by sections 4 and 5.

**7. Repeal and saving.**—(1) The Punjab Disturbed Areas Ordinance, 1983, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

#### The Chandigarh Disturbed Areas Act, 1983

AN

ACT

*to make better provision for the suppression of disorder and for the restoration and maintenance of public order in disturbed areas in Chandigarh.*

Be it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

**1. Short title, extent and commencement.**—(1) This Act may be called the Chandigarh Disturbed Areas Act, 1983.

(2) It extends to the whole of the Union territory of Chandigarh.

(3) It shall be deemed to have come into force on the 7th day of October, 1983.

**2. Definitions.**—In this Act, —

(a) "Administrator" means the Administrator of the Union territory of Chandigarh appointed under article 239 of the Constitution;

(b) "disturbed area" means the area which is for the time being declared by notification under section 3 to be a disturbed area.

**3. Powers to declare areas to be disturbed areas.**—The Administrator may, by notification in the Official Gazette, declare that the whole or any part of the Union territory of Chandigarh as may be specified in the notification, is a disturbed area.

**4. Power to fire upon persons contravening certain orders.**—Any Magistrate or Police Officer not below the rank of Sub-Inspector or Havildar in case of the Armed Branch of the Police may, if he is of opinion that it is necessary so to do for the maintenance of public order, after giving such due warning, as he may consider necessary, fire upon, or otherwise use force, even to the causing of death, against any person who is acting in contravention of any law or order for the time being in force in the disturbed area, prohibiting the assembly of five or more persons or the carrying of weapons or of things capable of being used as weapons or of fire-arms, ammunition or explosive substances.

**5. Powers to destroy arms dump, fortified positions, etc.**—Any Magistrate or Police Officer not below the rank of a Sub-Inspector may, if he is of opinion that it is necessary so to do, destroy any arms dump, prepared or fortified position or shelter from which armed attacks are made or are likely to be made or are attempted to be made or any structure used as training camp for armed volunteers or utilised as a hideout by armed gangs or absconders wanted for any offence.

**6. Protection of persons acting under sections 4 and 5.**—No suit, prosecution or other legal proceedings shall be instituted except with the previous sanction of the Administrator against any person in respect of anything done or purporting to be done in exercise of the powers conferred by sections 4 and 5.

**7. Repeal and saving.**—(1) The Chandigarh Disturbed Areas Ordinance, 1983, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

#### The Armed Forces (Punjab and Chandigarh) Special Powers Act, 1983

AN

ACT

*to enable certain special powers to be conferred upon members of the armed forces in the disturbed areas in the State of Punjab and the Union territory of Chandigarh.*

Be it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

**1. Short title, extent and commencement.**—(1) This Act may be called the Armed Forces (Punjab and Chandigarh) Special Powers Act, 1983.

(2) It extends to the whole of the State of Punjab and the Union territory of Chandigarh.

(3) It shall be deemed to have come into force on 15th day of October, 1983.



**2. Definitions.**—In this Act, unless the context otherwise requires, —

(a) "armed forces" means the military forces and the air forces operating as land forces, and includes any other armed forces of the Union so operating;

(b) "disturbed area" means an area which is for the time being declared by notification under section 3 to be a disturbed area;

(c) all other words and expressions used herein, but not defined and defined in the Air Force Act, 1950, or the Army Act, 1950, shall have the meanings respectively assigned to them in those Acts.

**3. Power to declare areas to be disturbed areas.**—If, in relation to the State of Punjab or the Union territory of Chandigarh, the Governor of that State or the Administrator of that Union territory or the Central Government, in either case, is of the opinion that the whole or any part of such State or Union territory, as the case may be, is in such a disturbed or dangerous condition that the use of armed forces in aid of the civil power is necessary, the Governor of the State or the Administrator of that Union territory or the Central Government, as the case may be, may, by notification in the Official Gazette, declare the whole or such part of that State or Union territory to be a disturbed area.

**4. Special powers of the armed forces.**—Any commissioned officer, warrant officer, non-commissioned officer or any other person of equivalent rank in the armed forces may, in a disturbed area, —

(a) if he is of opinion that it is necessary so to do for the maintenance of public order, after giving such due warning as he may consider necessary, fire upon or otherwise use force, even to the causing of death, against any person who is acting in contravention of any law or order for the time being in force in the disturbed area prohibiting the assembly of five or more persons or the carrying of weapons or of things capable of being used as weapons or of fire-arms, ammunition or explosive substances;

(b) if he is of opinion that it is necessary so to do, destroy any arms dump, prepared or fortified position or shelter from which armed attacks are made or are likely to be made or are attempted to be made, or any structure used as a training camp for armed volunteers or utilised as a hideout by armed gangs or absconders wanted for any offence;

(c) arrest, without warrant, any person who has committed a cognizable offence or against whom a reasonable suspicion exists that he has

committed or is about to commit a cognizable offence and may use such force as may be necessary to effect the arrest;

(d) enter and search, without warrant, any premises to make any such arrest as aforesaid or to recover any person believed to be wrongfully restrained or confined or any property reasonably suspected to be stolen property or any arms, ammunition or explosive substances believed to be unlawfully kept in such premises, and may for that purpose use such force as may be necessary, and seize any such property, arms, ammunition or explosive substances;

(e) stop, search and seize any vehicle or vessel reasonably suspected to be carrying any person who is a proclaimed offender, or any person who has committed a non-cognizable offence, or against whom a reasonable suspicion exists that he has committed or is about to commit a non-cognizable offence, or any person who is carrying any arms, ammunition or explosive substance believed to be unlawfully held by him, and may, for that purpose, use such force as may be necessary to effect such stoppage, search or seizure, as the case may be.

**5. Power of search to include powers to break open locks, etc.**—Every person making a search under this Act shall have the power to break open the lock of any door, almirah, safe, box, cupboard, drawer, package or other thing, if the key thereof is withheld.

**6. Arrested person and seized property to be made over to the police.**—Any person arrested and taken into custody under this Act and every property, arm, ammunition or explosive substance or any vehicle or vessel seized under this Act, shall be made over to the officer-in-charge of the nearest police station with the least possible delay, together with a report of the circumstances occasioning the arrest, or, as the case may be, occasioning the seizure of such property, arm, ammunition or explosive substance or any vehicle or vessel, as the case may be.

**7. Protection of persons acting in good faith under this Act.**—No prosecution, suit or other legal proceeding shall be instituted, except with the previous sanction of the Central Government, against any person in respect of anything done or purported to be done in exercise of the powers conferred by this Act.

**8. Repeal and saving.**—(1) The Armed Forces (Punjab and Chandigarh) Special Powers Ordinance, 1983, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.